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09/854,149	05/11/2001	Steven Weil	MS1-747US	6784
22801	7590	03/31/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			RIES, LAURIE ANNE	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/854,149	WEIL ET AL.	
	Examiner	Art Unit	
	Laurie Ries	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-19, 21-26, 28-43 and 45-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-19, 21-26, 28-43 and 45-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) ,<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to communications: Request for Continued Examination, filed 26 January 2006, to the original application, filed 11 May 2001.
2. Claims 1-4, 6-9, 11-19, 21-26, 28-32, 42-43, 45-52 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (U.S. Patent 6,694,485 B1) in view of Warnock (U.S. Patent 5,634,064).
3. Claim 5 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (U.S. Patent 6,694,485 B1) in view of Warnock (U.S. Patent 5,634,064) and Baum (U.S. Patent 6,188,779 B1).
4. Claims 33-37, and 39-41 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (U.S. Patent 6,694,485 B1) in view of Warnock (U.S. Patent 5,634,064) and Atkinson (U.S. Patent 4,622,545).
5. Claim 38 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (U.S. Patent 6,694,485 B1), Warnock (U.S. Patent 5,634,064), Atkinson (U.S. Patent 4,622,545) and Bereiter (U.S. Patent 5,909,217).

6. Claims 1-9, 11-19, 21-26, 28-43, and 45-52 are pending. Applicant has canceled claims 10, 20, 27, and 44. Claims 1, 9, 19, 26, 33, 42, 47, 51, and 52 are independent claims.

### ***Examiner's Comments***

It is noted that Applicant's After Final Amendment, filed 7 December 2005, contained no amendments to the claims. The Office filed an Advisory Action on 7 December 2005 in response to the above-mentioned After Final Amendment. Applicant's Request for Continued Examination, filed 26 January 2006, contained no new amendments or arguments above and beyond those addressed in the above mentioned Advisory Action, therefore, this action as been made final.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 6-9, 11-19, 21-26, 28-32, 42-43, 45-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (U.S. Patent 6,694,485 B1) in further view of Warnock (U.S. Patent 5,634,064).

**As per claims 1 and 9**, Kelley discloses a method and computer program for facilitating enhanced readability of digital documents, including paginating one or more pages of the document into multiple virtual pages (See Kelley, Figure 5, element 102, and Column 7, lines 13-23), identifying and locating lines of text within the one or more pages of the document (See Kelley, Figure 6, and Column 7, lines 13-23), determining whether a virtual page boundary is coextensive with an identified line of text (See Kelley, Figure 6, and Column 7, lines 13-32), and adjusting the virtual page boundary if the boundary is coextensive with the identified line of text so that the boundary is not coextensive with the identified line of text (See Kelley, Column 6, lines 63-67, and Column 7, lines 1-4).

Kelley does not disclose expressly that the digital document is a fixed digital document. Warnock discloses obtaining a fixed (or predetermined format) digital document (See Warnock, Figure 3b).

Kelley and Warnock are analogous art because they are from the same field of endeavor of viewing electronic documents.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the fixed digital document of Warnock with the method and program for improving the readability of digital documents of Kelley. The motivation for doing so would have been to present the document so as to appear to the reader in the same manner as was intended by the publisher. (See Warnock, Column 1, lines 63-66). Therefore, it would have been obvious to combine Warnock with Kelley for the

benefit of providing a familiar visual display of a fixed digital document to the reader to obtain the invention as specified in claims 1 and 9.

**As per claim 2**, Kelley and Warnock disclose the limitations of claim 1 as described above. Kelley also discloses displaying a virtual page of the multiple virtual pages without displaying overlap. (See Kelley, Figure 4, and Column 6, lines 60-62).

**As per claim 3**, Kelley and Warnock disclose the limitations of claim 1 as described above. Kelley also discloses displaying virtual pages of the multiple virtual pages where unrepeated content of multiple virtual pages starts at a common spatial position on the multiple virtual pages. (See Kelley, Figure 6, and Column 7, lines 18-23).

**Claim 19** is rejected on the same basis as claims 1 and 2.

**As per claim 4**, Kelley and Warnock disclose the limitations of claim 1 as described above. Warnock also discloses displaying virtual pages of the multiple virtual pages where a top synthetic virtual-page margin is displayed so that the content of the virtual page starts at a common spatial position, as determined by an offset calculated in pixels. (See Warnock, Figure 7, element 164, and Column 13, lines 38-53). Kelley and Warnock are analogous art because they are from the same field of endeavor of viewing electronic documents. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the top synthetic virtual-page margin of Warnock with the method and program of Kelley and Warnock. The motivation for doing so would have been to allow for the determination of the end of the article or document by calculating the offset value in relation to the window height. (See

Warnock, Column 13, lines 54-56). Therefore, it would have been obvious to combine Warnock with Kelley for the benefit of determining the end of the article or document to obtain the invention as specified in claim 4.

**As per claim 6**, Kelley and Warnock disclose the limitations of claim 1 as described above. Kelley also discloses determining a minimum integer number of virtual pages per page of the digital document while maintaining legibility, aspect ratio, and good margins. (See Kelley, Figure 6, and Column 7, lines 13-32).

**Claims 7-8** are rejected on the same basis as claim 1.

**As per claim 11**, Kelley and Warnock disclose the limitations of claim 9 as described above. Kelley also discloses identifying and locating lines of text within the pages of the digital document. (See Kelley, Figure 6, and Column 7, lines 13-23).

**As per claim 12**, Kelley and Warnock disclose the limitations of claim 9 as described above. Kelley also discloses determining whether a virtual-page boundary is coextensive with a line of text. (See Kelley, Figure 6, and Column 7, lines 13-23).

**As per claim 13**, Kelley and Warnock disclose the limitations of claim 9 as described above. Kelley also discloses adjusting the virtual-page boundary if the boundary is coextensive with a line of text so that the boundary is not coextensive with the line. (See Kelley, Column 6, lines 63-67, and Column 7, lines 1-4).

**As per claim 14**, Kelley and Warnock disclose the limitations of claim 9 as described above. Kelley also discloses displaying a virtual page of the multiple virtual pages and doing so without displaying overlap. (See Kelley, Figure 4, and Column 6, lines 60-62).

**As per claim 15**, Kelley and Warnock disclose the limitations of claim 9 as described above. Kelley also discloses displaying virtual pages of the multiple virtual pages where unrepeatd content of a multiple virtual page starts at a common spatial position on the multiple virtual page. (See Kelley, Figure 6, and Column 7, lines 18-23).

**As per claim 16**, Kelley and Warnock disclose the limitations of claim 9 as described above. Kelley also discloses that the paginating includes determining a minimum integer number of virtual pages per page of the digital document while maintaining legibility, aspect ratio, and good margins. (See Kelley, Figure 6, and Column 7, lines 13-32).

**As per claims 17 and 18**, Kelley and Warnock disclose the limitations of claim 9 as described above. Kelley also discloses computer-readable media having computer-executable instructions that, when executed by the computer, perform the method recited in claim 9. (See Kelley, Figure 5, element 102, Column 6, lines 63-67, Column 7, lines 1-4, and Column 7, lines 8-12).

**As per claim 21**, Kelley and Warnock disclose the limitations of claim 19 as described above. Kelley also discloses separating the one or more pages of the digital document into multiple virtual pages without splitting lines of text of the document. (See Kelley, Column 2, lines 22-26).

**As per claim 22**, Kelley and Warnock disclose the limitations of claim 19 as described above. Kelley also discloses identifying lines of text within the digital document (See Kelley, Column 2, lines 22-23), and separating the one or more pages



of the digital document into multiple virtual pages between lines of text. (See Kelley, Column 2, lines 34-38).

**As per claim 23**, Kelley and Warnock disclose the limitations of claim 19 as described above. Kelley also discloses a computer including one or more computer-readable media having computer-executable instructions that, when executed by the computer, perform the method recited in claim 19. (See Kelley, Column 7, lines 8-12, and Column 6, lines 60-62).

**Claim 24** is rejected on the same basis as claim 16.

**Claim 25** is rejected on the same basis as claim 23.

**As per claim 26**, Kelley discloses a method for enhancing the readability of a digital document including paginating one or more pages of a digital document into multiple virtual pages (See Kelley, Figure 5, element 102, and Column 7, lines 13-23), and displaying virtual pages of the multiple virtual pages where unrepeated content of multiple virtual pages starts at a common spatial position on the multiple virtual pages. (See Kelley, Figure 6, and Column 7, lines 18-23).

Kelley does not disclose expressly lowlighting repeated content on a virtual page. Warnock also discloses lowlighting or using half-tone to visually identify context within a document. (See Warnock, Column 9, lines 19-24).

Kelley and Warnock are analogous art because they are from the same problem-solving area of displaying text online.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of the lowlighting or half-tone of Warnock with the

method disclosed by Kelley and Warnock. The motivation for doing so would have been to provide a visual indicator of the next line of text to be read. (See Warnock, Column 9, lines 14-18). Therefore, it would have been obvious to combine Warnock with Kelley for the benefit of identifying the next portion of text to be read to obtain the invention as specified in claim 26.

**Claim 28** is rejected on the same basis as claim 21.

**Claim 29** is rejected on the same basis as claim 22.

**Claim 30** is rejected on the same basis as claim 16.

**Claim 31** is rejected on the same basis as claim 23.

**Claim 32** is rejected on the same basis as claim 23.

**As per claim 42**, Kelley discloses a method for facilitating the enhanced readability of a digital document including determining an integer number of virtual pages per page of a digital document while maintaining legibility, aspect ratio, and good margins (See Kelley, Figure 6, and Column 7, lines 13-32), and paginating, accordingly, one or more pages of the digital document into multiple virtual pages. (See Kelley, Figure 5, element 102, and Column 7, lines 8-12).

Kelley does not disclose expressly that the digital document is a fixed digital document. Warnock discloses obtaining a fixed (or predetermined format) digital document (See Warnock, Figure 3b).

Kelley and Warnock are analogous art because they are from the same field of endeavor of viewing electronic documents.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the fixed digital document of Warnock with the method and program for improving the readability of digital documents of Kelley. The motivation for doing so would have been to present the document so as to appear to the reader in the same manner as was intended by the publisher. (See Warnock, Column 1, lines 63-66). Therefore, it would have been obvious to combine Warnock with Kelley for the benefit of providing a familiar visual display of a fixed digital document to the reader to obtain the invention as specified in claim 42.

**As per claim 43**, Kelley and Warnock disclose the limitations of claim 42 as described above. Kelley also discloses determining the minimum integer number of virtual pages per page of the digital document. (See Kelley, Figure 6, and Column 7, lines 13-32).

**As per claim 45**, Kelley and Warnock disclose the limitations of claim 42 as described above. Kelley also discloses displaying one or more of the virtual pages. (See Kelley, Figure 4, and Column 6, lines 60-62).

**As per claim 46**, Kelley and Warnock disclose the limitations of claim 42 as described above. Kelley also discloses a computer-readable medium having computer-executable instructions that, when executed by a computer, performs the method recited in claim 42. (See Kelley, Figure 4, Column 7, lines 8-32, and Column 6, lines 60-62).

**Claim 47** is rejected on the same basis as claims 11, 12, 18 and 19.

**As per claim 48**, Kelley and Warnock disclose the limitations of claim 47 as described above. Kelley also discloses a system where the analyzer is configured to identify and locate lines of text within the one or more pages of the digital document (See Kelley, Figure 6, and Column 7, lines 13-32), determine whether a virtual-page boundary is coextensive with an identified line of text (See Kelley, Figure 6, and Column 7, lines 13-32), and responsive to such determining, adjust the virtual-page boundary if the boundary is coextensive with the identified line of text so that the boundary is not coextensive with the identified line. (See Kelley, Column 6, lines 63-67 and Column 7, lines 1-4).

**Claim 51** is rejected on the same basis as claim 17.

**Claim 50** is rejected on the same basis as claim 16.

**As per claim 49**, Kelley and Warnock disclose the limitations of claim 47 as described above. Warnock also discloses lowlighting or using half-tone to visually identify context within a document. (See Warnock, Column 9, lines 19-24). Kelley also discloses that the overlap of one virtual page includes content of the document repeated from another virtual page (See Kelley, Figures 1 and 2, noting that lines 30 and 40 of Figure 2 are repeating lines 10 and 20 from Figure 1). Kelley and Warnock are analogous art because they are from the same problem-solving area of displaying text online. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of the lowlighting or half-tone of Warnock with the method disclosed by Kelley and Warnock. The motivation for doing so would have been to provide a visual indicator of the next line of text to be read. (See Warnock,

Column 9, lines 14-18). Therefore, it would have been obvious to combine Warnock with Kelley for the benefit of identifying the next portion of text to be read to obtain the invention as specified in claim 49.

**Claim 52** is rejected on the same basis as claims 31, 47 and 49.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (U.S. Patent 6,694,485 B1) in view of Warnock (U.S. Patent 5,634,064) as applied to claim 1 above, and further in view of Baum (U.S. Patent 6,188,779 B1).

**As per claim 5**, Kelley and Warnock disclose the limitations of claim 1 as described above. Kelley and Warnock do not disclose expressly performing at least minimal OCR on content of the document to locate line boundaries. Baum discloses performing OCR on the content of a document to determine boundaries. (See Baum, Column 5, lines 65-67, and Column 6, lines 1-27). Kelley, Warnock, and Baum are analogous art because they are from the same problem-solving area of paginating digital documents. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the OCR of the content of the document of Baum with the method and program for improving the readability of digital documents of Kelley and Warnock. The motivation for doing so would have been to identify regions of the document that are tightly defined about the probable text. (See Baum, Column 5, line 67, and Column 6, lines 1-2) Therefore, it would have been obvious to combine Baum with Kelley and Warnock for the benefit of locating gaps between tightly defined regions of text within the document to obtain the invention as specified in claim 5.

9. Claims 33-37, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (U.S. Patent 6,694,485 B1) in view of Warnock (U.S. Patent 5,634,064) and Atkinson (U.S. Patent 4,622,545).

**As per claim 33**, Kelley discloses a method for improving the readability of a digital document including paginating one or more pages of the digital document into multiple virtual pages (See Kelley, Figure 5, element 102, and Column 7, lines 8-12), and displaying one or more virtual pages of the multiple virtual pages and doing so without overlap on a virtual page, where the overlap of one virtual page includes content of the document repeated from another virtual page. (See Kelley, Figure 4, and Column 6, lines 60-62). Kelley does not disclose expressly that the digital document is a fixed digital document. Kelley also does not disclose expressly indicating overlap during the displaying, where the content of overlap is differentiated from other content. Warnock discloses a fixed (or predetermined format) digital document (See Warnock, Figure 3b). Atkinson discloses indicating overlap that is differentiated from other content. (See Atkinson, Figure 7, and Column 10, lines 19-36). Kelley, Warnock and Atkinson are analogous art because they are from the same field of endeavor of displaying data online. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the fixed digital document of Warnock with the method and program for improving the readability of digital documents of Kelley. The motivation for doing so would have been to present the document so as to appear to the reader in the same manner as was intended by the publisher. (See Warnock, Column 1, lines 63-

66). Therefore, it would have been obvious to combine Warnock with Kelley for the benefit of providing a familiar visual display of a fixed digital document to the reader. It also would have been obvious to a person of ordinary skill in the art to include the indication of overlapping data of Atkinson with the method and program for improving the readability of digital documents of Kelley and Warnock. The motivation for doing so would have been to mask the regions of the data that are currently being displayed. (See Atkinson, Column 10, lines 37-40). Therefore, it would have been obvious to combine Atkinson with Kelley and Warnock for the benefit of identifying lines of data already displayed to obtain the invention as specified in claim 33.

**As per claim 35**, Kelley, Warnock and Atkinson disclose the limitations of claim 33 as described above. Kelley also discloses displaying virtual pages of the multiple virtual pages where unrepeated content of multiple virtual pages starts at a common spatial position on the multiple virtual pages. (See Kelley, Figure 6, and Column 7, lines 18-23).

**As per claim 37**, Kelley, Warnock and Atkinson disclose the limitations of claim 33 as described above. Warnock also discloses that the overlap is shaded or highlighted in reverse video. (See Warnock, Column 9, lines 19-24). Kelley, Warnock and Atkinson are analogous art because they are from the same field of endeavor of displaying data online. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the shading of Warnock with the method and program for improving the readability of digital documents of Kelley, Warnock and Atkinson. The motivation for doing so would have been to provide a visual indicator of

the next line of text to be read. (See Warnock, Column 9, lines 14-18). Therefore, it would have been obvious to combine Warnock with Kelley, Warnock and Atkinson for the benefit of identifying the next portion of text to be read to obtain the invention as specified in claim 37.

**As per claim 39**, Kelley, Warnock and Atkinson disclose the limitations of claim 33 as described above. Kelley also discloses determining a minimum integer number of virtual pages per page of the digital document while maintaining legibility, aspect ratio, and good margins. (See Kelley, Figure 6, and Column 7, lines 13-32).

**Claims 40 and 41** are rejected on the same basis as claim 33.

**As per claims 34 and 36**, Kelley, Warnock and Atkinson disclose the limitations of claim 33 as described above. Warnock also discloses lowlighting or using half-tone to visually identify context within a document. (See Warnock, Column 9, lines 19-24). Kelley, Warnock and Atkinson are analogous art because they are from the same field of endeavor of displaying data online. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the lowlighting or half-tone of Warnock with the method and program for improving the readability of digital documents of Kelley, Warnock and Atkinson. The motivation for doing so would have been to provide a visual indicator of the next line of text to be read. (See Warnock, Column 9, lines 14-18). Therefore, it would have been obvious to combine Warnock with Kelley, Warnock and Atkinson for the benefit of identifying the next portion of text to be read to obtain the invention as specified in claims 34 and 36.



10. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (U.S. Patent 6,694,485 B1), Warnock (U.S. Patent and Atkinson (U.S. Patent 4,622,545) as applied to claim 33 above, and further in view of Bereiter (U.S. Patent 5,909,217).

**As per claim 38**, Kelley, Warnock and Atkinson disclose the limitations of claim 33 as described above. Kelley, Warnock and Atkinson do not disclose expressly that the overlap is grayed. Bereiter discloses graying out portions of overlap. (See Bereiter, Figure 3, and Column 4, lines 35-49). Kelley, Warnock, Atkinson and Bereiter are analogous art because they are from the same field of endeavor of displaying data online. At the time of the invention it would have been obvious to a person of ordinary skill in the art to including the graying out of overlapping data of Bereiter with the method and program for improving the readability of digital documents of Kelley, Warnock and Atkinson. The motivation for doing so would have been to help present the context of the non-grayed data. (See Bereiter, Column 4, lines 43-48). Therefore, it would have been obvious to combine Bereiter with Kelley, Warnock and Atkinson for the benefit of emphasizing the context of the page to obtain the invention as specified in claim 38.

### ***Response to Arguments***

11. Applicant's arguments filed 26 January 2006 have been fully considered but they are not persuasive.

Applicant argues on Page 14 of the Instant Amendment that Kelley fails to teach a virtual page. The Office respectfully disagrees. Kelley teaches determining the number of rows that can be displayed in full on a computer screen (See Kelley, Column 7, lines 13-23). Applicant defines a "virtual page" as "the portion of the physical page viewed through the screen page of a monitor" or, in other words, "the mapping of the screen page onto the physical page (or vice versa)" (See Applicant's Specification, Page 7, lines 8-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to conclude that the determination of the number of rows that can be displayed in full on a computer screen, as taught by Kelley, constitutes the formation of a virtual page, as defined by Applicant. The motivation for such a conclusion would have been to correctly position the text of a hypertext markup language (HTML) file on a display screen linked to a computer such that there are no partial lines of text displayed and without the re-display of text that was displayed on a previous screen (See Kelley, Abstract).

Applicant argues on Page 15 of the Instant Amendment that Kelley fails to teach paginating one or more pages of the document into multiple virtual pages. The Office respectfully disagrees. Applicant defines pagination as "a technique used to determine the appropriate manner to display one or more physical pages of a fixed document on a screen page so that the relative dimensions of physical pages fit within the screen page and the content of the physical pages remains comfortably legible (See Applicant's Specification, Page 8, lines 2-6). The Office maintains that Kelley teaches using tables to determine the correct number of rows that can be displayed on a computer screen

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such that no partial liens of text are displayed and without redisplay of the text that was displayed on a previous screen (See Kelley, Column 7, lines 13-23, and Abstract).

Kelley teaches paginating as discussed above, and as both a current and previous screen containing text is discussed, Kelley therefore teaches paginating one or more pages of a document into multiple virtual pages.

In response to applicant's argument that it would not have been obvious to combine the teachings of Kelley and Warnock, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

### ***Conclusion***

12. This is a Request for Continued Examination of applicant's earlier Application No. 09/854149. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LR

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
3/29/2006